UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	**ORDER**
Plaintiff,	:	
	:	19-cr-576 (BMC)
- against -	:	
GENARO GARCIA LUNA,	:	
Defendant.	:	

COGAN, District Judge.

Defendant moves *in limine* [205] to prevent the Government from cross-examining the defendant about certain topics. Because both sides know much more than the Court about the particulars of questions the Government might ask defendant on cross-examination, the Court is unable to give defendant the assurances he seeks. All the Court can say is what defense counsel already know: that permissible inquiry on cross-examination to show bias or otherwise challenge credibility may be broader than the scope of evidence that the Court has allowed to prove the charged crimes, especially since such inquiry only requires a good-faith basis. United States v. Whitten, 610 F.3d 168, 182–183 (2d Cir. 2010).

For example, although the Court will not allow proof of post-2012 assets unconnected to the charged crimes to support an inference that because defendant is wealthy, he must be guilty – nor will it allow the Government to introduce such evidence on a purportedly different theory that the Court finds to be a subterfuge for drawing that interference – there may still be other reasons to introduce or cross-examine defendant on such information going to credibility of which the Court is unaware. The Court will need to hear the specific questions that the

Government puts to the witness and then apply the Rules of Evidence to them, including Rule 403.

SO ORDERED.

Brian M. Cogan

U.S.D.J.

Dated: Brooklyn, New York
February 10, 2023